

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-11, 15-39, 43-67, 71-126 remain in this application. Claims 1, 29, 57, 85, 99, and 113 have been amended.

II. CLAIM REJECTIONS – 35 U.S.C. § 103

The Final Office Action rejected Claims 1-5, 8-9, 15-33, 36-37, 43-61, 64-65, 71-91, 93-104, 107-118 and 121-126 under 35 U.S.C. § 103(a) as being unpatentable over Ismail, (U.S. Pat # 6,614,987), in view of Rosin, (U.S. Pat # 6,028,600) and White (U.S. Patent # 5,596,373). The rejection is respectfully traversed.

Claims 1, 29, and 57 have been amended to clarify the claimed invention. Claim 1 appears as follows:

1. A process for scheduling recording, storing, and deleting of television and/or Web page program material on a storage medium in a computer environment, comprising the steps of:
  - generating a prioritized list of program viewing preferences;
    - wherein said list contains a viewer's explicit preferred program selections for recording and inferred preferred program selections for recording;
  - comparing said list with a database of program guide objects;
  - generating a schedule of time versus available storage space that is optimal for the viewer's explicit or inferred preferred programs;
    - wherein said preferred programs include television broadcast programs and/or Universal Resource Locators (URLs);
    - wherein said program guide objects indicate when programs of interest are broadcast;
  - generating an ordered list of future showings of a specific program of interest using said database of program guide objects; and
  - checking each showing of said specific program of interest in said ordered list for input source or storage space conflicts with programs previously scheduled for recording using said schedule of time versus available storage space until a particular showing of said specific program of interest is found having no input and/or space conflicts such that a recording of said specific program of interest is made as soon as possible

and scheduling said particular showing of said specific program of interest for recording.

In particular, neither Ismail nor Woods teaches or discloses a system that checks each showing of said specific program of interest in said ordered list for input source or storage space conflicts with programs previously scheduled for recording using said schedule of time versus available storage space until a particular showing of said specific program of interest is found having no input and/or space conflicts such that a recording of said specific program of interest is made as soon as possible and scheduling said particular showing of said specific program of interest for recording as cited in Claims 1, 29, and 57.

The Office Action states:

“The additionally claimed feature of checking each showing of space and input source conflicts, and only recoding the programs without conflicts, is consistent with the above cited teachings of Ismail, (col. 10, lines 1-14) and & Woods (Para 0038).”

However, neither Ismail nor Woods contemplate the element cited in Claims 1, 29, and 57. Ismail discloses in col. 10, lines 1-14 that a recording manager causes recordation of programs at time X or within time X in accordance with ratings received from a preference agent - which has nothing to do with the cited element. Further, Woods in par 0038 discloses that a system determines the highest priority programming based on user provided priority information. Woods does not contemplate finding a particular showing of a specific program of interest having no input and/or space conflicts such that a recording of said specific program of interest is made as soon as possible and scheduling said particular showing of said specific program of interest for recording.

The Office Action states that a plurality of programs without conflicts are recorded: “and only recoding the programs without conflicts”. However, the cited element deals with a particular showing of a specific program. Programs can be broadcast many times over a day or days or even weeks or months. The Claims cite “until a particular showing of said specific program of interest is found having no input and/or space conflicts such that a recording of said specific program of interest is made as soon as possible and scheduling said particular showing of said specific program of interest for recording.” Neither Ismail nor Woods contemplate finding such a particular showing of a specific program.

Therefore, Ismail in view of Rosin and White does not teach or disclose the invention as claimed.

Claims 1, 29, and 57 are in allowable condition. Claims 2-5, 8-9, 12, 14-28, and 30-33, 36-37, 40, 42-56, and 58-61, 64-65, 68, 70-84, are dependent upon independent Claims 1, 29, and 57, respectively. Claims 85, 99, and 113 have been amended in similar fashion as Claims 1, 29, and 57 and are allowable in similar manner as Claims 1, 29, and 57. Claims 90-91, 93-98, and 100-104, 107-112, and 114-118, 121-126 are dependent upon independent Claims 85, 99, and 113, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

### III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Final Office Action rejected Claims 6-7, 10-11, 34-35, 38-39, 62-63, 66-67, 91-92, 105-106 & 119-120 under 35 U.S.C. § 103(a) as being unpatentable over Ismail & Rosin, in view of Wood (U.S. PGPUB 2002/0054752 A1) The rejection is respectfully traversed.

The rejection under 35 USC §103(a) is deemed moot in view of Applicant's comments regarding Claims 1, 29, 57, 85, 99, and 113, above. Claims 6-7, 10-11, 13, and 34-35, 38-39, 41, and 62-63, 66-67, 69 and 91-92, and 105-106 and 119-120 are dependent upon independent Claims 1, 29, 57, 85, 99, and 113, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

#### IV. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1080 ext. 214, to discuss any issue that may advance prosecution.


No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136.

The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: February 28, 2007

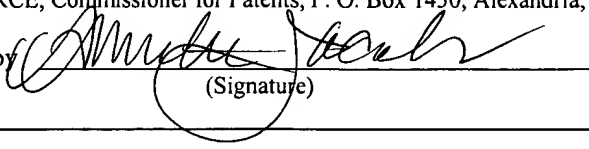
  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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by   
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